

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IRACING.COM MOTORSPORT SIMULATIONS,
LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

TIM ROBINSON, individually and d/b/a
www.ow-racing.com, www.torn8oalley.com and
www.First-Racing-Sucks.com,

Defendant.

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Civil Action No.
05-11639 NG

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff iRacing.com Motorsport Simulations, LLC ("iRacing") hereby respectfully moves for partial summary judgment against defendant Tim Robinson d/b/a www.ow-racing.com, www.torn8oalley.com, and www.First-Racing-Sucks.com of the Amended Complaint finding liability under Count I for copyright violations and Count II for violation of 17 USC § 1201(a). In support hereof, iRacing relies on the Memorandum of Points and Authorities in Support of Motion for Partial Summary Judgment filed herewith, the Affidavit of Irwin B. Schwartz in Support of Motion for Partial Summary Judgment filed herewith, the Affidavit of David Kaemmer in Support of Motion for Partial Summary Judgment file herewith, and the Affidavit of Rance J. DeLong in Support of Motion for Partial Summary Judgment filed herewith.

Dated: August 11, 2006

Plaintiff iRACING.COM MOTORSPORT
SIMULATIONS, LLC, a Delaware Limited
Liability Company

By its attorneys,

/s/ Irwin B. Schwartz

Irwin B. Schwartz (BBO# 548763)
Lisa Lee Jordan (Pro Hac Vice)
Michael G. Andrews (BBO# 663452)
Petrie Schwartz LLP
500 Boylston Street, Suite 1860
Boston, Massachusetts 02116
(617) 421-1800

Local Rule 7.1 Certification

I hereby certify that on August 10, 2006 I called Joseph F. Ryan, counsel for defendant Tim Robinson, in an attempt in good faith to resolve or narrow the issues set forth in this motion. On August 11, 2006 Mr. Ryan returned my telephone call and we could not resolve or narrow the issues set forth in this motion.

/s/ Irwin B. Schwartz

Certificate of Service

I, Irwin B. Schwartz, attorney for Plaintiff iRacing.com Motorsport Simulations, LLC, hereby certify that on this 11th day of August 2006, I filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to: Joseph F. Ryan, Lyne Woodworth & Evarts LLP, 600 Atlantic Avenue, Boston, MA 02210, counsel for Defendant Tim Robinson.

/s/ Irwin Schwartz
Irwin B. Schwartz